

REMARKS

The Official Action of May 3, 2007, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims under consideration are Claims 20-33.

1. Restriction Requirement

Under 35 U.S.C. 121 and 372, the Examiner required restriction among:

Group I: Claims 20-32 drawn to compounds and compositions of formula (I); and

Group II: Claim 33 drawn methods of using the compounds and compositions of Group I.

In response to this requirement, the Applicants hereby elect Group I, Claims 20-32 drawn to compounds and compositions of formula (I).

The claims reading on this group are Claims 20-32.

Applicants respectfully request reconsideration and withdrawal of the foregoing requirements for restriction under 37 C.F.R. §1.143.

As stated in MPEP §803 there are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required.

As the Examiner noted, the designated Groups are patentably distinct as claimed. Applicants respectfully assert, however, that there will not be a serious burden on the Examiner if restriction is not required.

The common structural core which is found among the compounds of Group I which are employed by the methods of Group II in accordance with the present invention provides unity of invention and a common link among the above-noted groups, thus facilitating examination.

Because no serious burden for examination is present if restriction is not required, Applicants respectfully request withdrawal of the requirement for restriction.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Respectfully submitted,

By 

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